C1

1. (Amended) A peptide comprising an epitope recognized by anti-filaggrin autoantibodies present in serum from rheumatoid arthritis patients, wherein said epitope comprises the tripeptide motif Ser-Cit-His in which Cit represents a citrulline residue.

2. (Cancelled)

REMARKS

I Status of Claims

Claims 1, 3-12 are pending in this application. Claim 1 has been amended and claim 2 canceled because the subject matter of claims 1 and 2 have been combined and amended without prejudice. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version of Amended Claims with Markings to Show Changes Made.**"

II Restriction Requirement

The Examiner has made a restriction requirement requiring election between the invention of:

I. Group A, claim(s) 1-12 drawn to compositions comprising *sequence identification number 3* and its utility, classified in class 530, subclass 300 for example.

II. Group B, claim(s) 1-12 drawn to compositions comprising *sequence identification number 5* and its utility, classified in class 530, subclass 300 for example.

III. Group C, claim(s) 1-12 drawn to compositions comprising *sequence identification number 6* and its utility, classified in class 530, subclass 300 for example.

The Examiner considers the inventions of Group A, B, and C above include a plurality of disclosed patentably distinct inventions. According to the Examiner, resources are now stretched to the limit, so only one sequence should be searched per application.

In view of the restriction requirement, Applicants provisionally elect, with traverse, Group A, claim(s) 1-12 drawn to compositions comprising *sequence identification number 3* (SEQ ID 3) and its utility, classified in class 530, subclass 300 for example.

According to MPEP § 803, the criteria for a proper requirement for restriction between patentably distinct inventions are: (A) the invention must be independent or distinct as claimed, and (B) there must be a serious burden on the Examiner if restriction is required.

In addition, the Examiner is reminded of MPEP § 1893.03(d) that unity of invention practice is applicable in national stage applications filed under 35 U.S.C. 371 as the criteria for distinctness between inventions. According to MPEP § 1893.03(d), a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the invention that involves at least one technical feature.

As it now stands, the amended claim 1 relates to peptides comprising the citrullinated tripeptide Ser-Cit-His. Furthermore, this tripeptide is derived from the tripeptide motif Ser-Arg-His, which is shared by all the peptides SEQ ID NO: 3, 5 and 6. Therefore, the citrullinated tripeptide Ser-Cit-His is a common technical feature linking together the peptides SEQ ID NO: 3, 5 and 6. Consequently, distinctness of the inventions has not been established under the unity of invention criteria.

Here, the Examiner has stated that there would be a serious burden on the Examiner if a restriction was not required but has only explained it based on limited resources. Neither the MPEP nor any notice that the Applicants are aware of has presented "limited resources" as an acceptable criteria for establishing a "serious burden" on the Examiner if restriction is not required.

Moreover, the restriction between Groups A-C calls for a restriction requirement within the same claims 1-12. This is improper because restriction requirements are to be made between claimed invention, not within a single claim or the same claims.

Therefore, for the reasons stated above, the restriction requirement is improper. Applicants respectfully request that the restriction be withdrawn.

III Copending US Application

Applicants would like to inform the Examiner of the existence of a copending U.S. Application 09/254,032 with same applicants and same assignee as the instant application. This copending application is a U.S. National Phase Application of the PCT WO 98/08946 mentioned in the Information Disclosure Statement filed on June 30, 2000.

IV Conclusion

In view of the foregoing, Applicants respectfully request withdrawal of the restriction requirement and continuation of prosecution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 3, 2001

By: Elizabeth C. Weimar
Elizabeth C. Weimar
Reg. No. 44,478

Customer No.: 09629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
(202) 467-7000

Version of Amended Claims with Markings to Show Changes Made

1. (Amended) A peptide comprising an epitope recognized by anti-filaggrin autoantibodies present in serum from rheumatoid arthritis patients, wherein said epitope comprises the tripeptide motif [centered on] Ser-Cit-His in which Cit represents a citrulline residue[, which is specifically present on at least one of the citrullinated peptides derived from the sequences SEQ ID NO: 3, SEQ ID NO: 5 or SEQ ID NO: 6].

2. (Cancelled)